S.B.CRIMINAL MISC. BAIL APPLICATION NO.3046/2006

Date : 17.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. T.R. Sharma for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The allegations against the applicants are that they prepared forged will of Smt. Dhavi Devi for taking advantage of her agriculture land, in this regard a case is also said to have been filed before the SDM.

The contention of learned counsel for the applicants is that an affidavit which was main evidence in this case has not been placed before the Investigating Officer and further complaint has filed after inordinate delay and the case is not of cheating, therefore, the applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that a forged will has been prepared by the applicant along with others, therefore, primarily basic ingredient of Section 415 IPC are made out, therefore, it cannot be said that a false case has been lodged against the accused applicants.

Taking into consideration the overall facts and circumstances of the present case, I do not find it to be a fit case to extend benefit of anticipatory bail to the applicants. Accordingly, the bail application moved under by the applicants under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.

vijayant